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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,128	03/04/2002	Wolf-Georg Forssmann	P67671US0	9771
136	7590	06/01/2004	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			WEBER, JON P	
			ART UNIT	PAPER NUMBER
			1651	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

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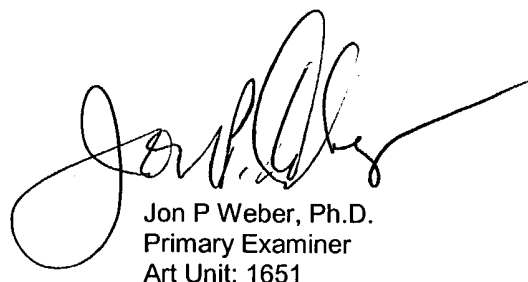
Commissioner for Patents

The amendment filed on 10 May 2004 canceling all claims drawn to the elected invention and presenting only new claims and arguments drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the originally presented claims 8-14 were drawn to a method of making a medicament as clearly identified at page 2 of the Office action of 31 December 2003,

"For the purposes of examination, the claims have been treated as a method of making an antibiotically active preparation comprising natriubiotics as set forth in claim 8 for use in the treatment of bacteria. The only step that can be surmised is the combination of the natriubiotics and a carrier suitable for either pharmaceuticals (claims 8-12) or food (claims 8 and 13-14) to make the preparation.", whereas the instant claims are drawn to several methods of use of the medicament.

Although the instant application was filed under 37 CFR 371, the claims lack unity of invention because the alleged special technical feature, natriubiotics, are not a contribution over the art as shown by Forssmann et al. (CA 2,188,143) as the English language equivalent of WO 95/28952.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.



Jon P Weber, Ph.D.
Primary Examiner
Art Unit: 1651